

FARMINGTON CITY – CITY COUNCIL MINUTES

DECEMBER 7, 2021

WORK SESSION

Present:

*City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,
Assistant Community Development Director
Lyle Gibson,*

*City Planner/GIS Specialist Shannon
Hansell,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell,
Bradley W. Christopherson (filling in for
City Attorney Todd Godfrey),
City Lobbyist Eric Isom,
City Parks and Recreation Director Neil
Miller, and
Planning Commission Chairman Alex
Leeman.*

Mayor Pro Tempore **Brett Anderson** called the work session to order at 6:06 p.m. Mayor **Jim Talbot** and City Attorney **Todd Godfrey** were excused.

BUSINESS PARK – PARK DISCUSSION

The work session was held to consider a presentation about the park in the Business Park made by Assistant City Manager/City Engineer **Chad Boshell**. The Utah Department of Transportation took the 1100 West park. This 11-acre park will have a storm drain retention basin designed into it to take all the water from south of Spring Creek. The water flows south. This design is good for water flow. Shepard Creek runs lower than the basin, and the berm on the south will be elevated above the creek. The creek has year-round flow, and has the most of all creeks. This park needs 13 acre feet of storage, which would be 3 to 4 feet deep in the detention basin when filled. The City takes on the burden of the storm drain to allow for more development.

Boshell said he needs to proceed quickly on determining the layout of the park, especially the recessed storm drain retention portion. He shared an iteration with the Council. He reminded them that this park will be surrounded by the most dense areas of Farmington, and people will need it to meet recreation needs. He wants a thumbs up for the detention area of the park at this point, and said the rest of the park design can be an open canvas going forward.

This park will benefit the football program with three separate fields. The design also included pickle ball courts, but not a lot of parking since there will be shared parking north on the McCandless property. Storage, bathrooms, a pavilion, lazy stream play area, outdoor splash pad, and playground are also included. The roundabout will be closed most days, but food trucks can use it when it is open for covered sitting or a farmer's market area. **Boshell** said he thought of a stage, but didn't incorporate it.

City Manager **Shane Pace** said determining where the football fields and detention basin are is the most important at this point. The rest can be worked on later, and there is still a lot that can be done on the recreation side. This is a City recreation park with amenities. That being said, he feels the iteration presented by **Boshell** is a good one. Water detention is needed for the roads. An upcoming property trade might make more area available on both sides of the creek in the future. This space may be used for more paths, and possibly a bike pump park.

City Parks and Recreation Director **Neil Miller** said there continues to be more and more demand for football. The spring competition league had 350 participants. A place is needed for tackle football. The existing pickle ball courts are booked solid in the summer time, so having more courts will be nice. It will also be nice to have asphalt for the food trucks to park on.

Councilwoman **Amy Shumway** said it would be nice for walkers and those with dogs to have a continuous foot path loop around the park.

Councilman **Scott Isaacson** said he would like room for an amphitheater. **Pace** said there is an amphitheater in Woodland Park, but it needs to be upgraded and modified pretty dramatically. It could be flipped to seating on the hill with a stage below. Orem's amphitheater is all grass. **Isaacson** said he prefers seating. **Miller** said if a concert were held in the new park, the pickle ball courts would have to be shut down. Woodland Park is a nice area, and everything south of the creek is owned by the County near there.

Councilman **Shawn Beus** joined the meeting.

Development Director **Brigham Mellor** said Stack has 200,000 square feet lined up to be pre-leased by the end of the year, and the City is the hold up.

Boshell said the trade could be for wetlands, trails, bridges, and board walks. It could be pierced up to dry out some areas. There is not water depth or flow for a pond, but he will look into it. He discouraged damming off a stream. **Beus** encouraged him to look at Clinton's little pond. Planning Commission Chairman **Alex Leeman** said Barnes Park in Kaysville is beautiful, but it is closed off. **Miller** said it would only make sense if the water could be played in.

Boshell said he would move forward with the detention pond layout right away, including getting the grading done and hiring out the park design in order to get more ideas incorporated. The design could get creative and put an amphitheater below in the bottom of the basin, with tiered seating going up the hill. This would be submerged when the basin fills with storm water. He said all drainage and excavation will be done using storm drain impact fees. **Mellor** said there is \$1.5 million left over from what the City did to get the property, as well as some money available from the Utah Department of Transportation (UDOT) settlement. **Boshell** said there will be money coming in for infrastructure. Costs will go up because the road got wider to accommodate turn lanes, and drainage needs to be dealt with. The road by Cabela's has to be elevated 5 feet. The City will have to bore under the trail and under gas and petroleum lines. There is still some uncertainty to be worked through. Easements details will have to be worked out later. The Evans family is dragging their feet. It took a year to get the wetland delineations for the park, after which the Army Corps stopped and didn't get delineations done for the Stack and Evans properties. **Boshell** guessed that it is because the Army Corps is too busy. The Corps knows that an application for development means that they get 60 days to respond. **Mellor** had

to get Utah Senate President **Stuart Adams**'s office involved to get this on the Army Corps' list. If that doesn't work, the City has the option to build roads without Army Corps approvals.

Boshell said \$3 million in federal funds will be available in 2025-26, and the City is trying to get those funds de-federalized. In order to build a pedestrian overpass, Park Lane will need to be shut down and other roads built. He is pressuring UDOT so this can be built now. Discussions may need to be held between the Council and UDOT's director.

Mellor said drainage detention is needed on the north end, and the Council should be prepared for the cost of buying the needed property.

UPCOMING AGENDA ITEMS

Isaacson mentioned he had some edits on the Rocky Mountain Power Electric Utility Franchise Agreement. They were just typos, and not substantive. They were regarding defined terms being used in important places, referring to a "franchise" instead of an "agreement" and to the "developer" instead of Rocky Mountain. **Isaacson** handed his notes to **Bradley W.**

Christopherson (filling in for City Attorney Todd Godfrey), who said he agreed with all the changes and will incorporate them.

Pace provided the Council with an updated on the apartment complex. All the tenants have left except for from one unit, where a woman is cohabitating with a man. The rest of the residences are shut down and boarded up. The last unit scored 120 on a meth count. Previously, the City thought 100 was high. The City has been in contact with the County Health Department, who won't go in and evict the two tenants. The Court needs to issue the eviction notice, and the Davis County Sheriff would be the one to evict. The City filed papers in Court, the tenant filed to dismiss, then the City responded, filing a motion to move forward with a hearing on an eviction. The City is now waiting on the Court to set a date for a hearing, and to find out if the judge will let the tenant represent herself. If the Court comes to see them as vexatious litigants, they will not be able to represent themselves. Waiting for the Court means the two tenants will be in the apartments through the holidays. **Anderson** said he had received a call from the tenant, and she was mad.

The second to last tenant to leave didn't get out in a timely manner. The tenant is partially blind, but also has a license to drive. Before the City could change the locks, the tenant called a Channel 4 reporter. She called dispatch to inquire about the situation, and **Mellor** called her back with an explanation. The reporter backed off after hearing everything the City had done to help the tenant transition. He hadn't paid rent since July.

Beus asked if the City had heard the County's reaction to the de-annexation. **Pace** said the County had not seen it yet, but it has never been done before. When it is re-annexed in the future, both parcels will have to be re-annexed together.

CLOSED SESSION

Present

*City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,*

*Assistant Community Development Director
Lyle Gibson,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell, and
Bradley W. Christopherson (filling in for
City Attorney Todd Godfrey)*

Motion:

At 6:54 p.m., Councilman **Shawn Beus** made the motion to go into a closed meeting for the purpose of property acquisition. Councilwoman **Amy Shumway** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Brett Anderson**, Mayor Pro Tempore of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Brett Anderson, Mayor Pro Tempore

Motion:

At 6:59 p.m., **Shumway** made a motion to reconvene to an open meeting. The motion was seconded by **Beus**, which was unanimously approved.

PRESIDENT STUART ADAMS—LEGISLATIVE UPDATE

Utah Senate President **Stuart Adams** addressed the Council. It is going to take a long time to get through the upcoming session, and he would like the Council's input on many issues. He said there are always questions about housing, retail, and the effort to redo the distribution of sales tax (point of sale vs. population) that has gone by the wayside. Other topics include talk of not having retail qualify for tax increment incentives or RDA tax increments. The legislature is thinking of putting some big incentives on it, meaning it has to be mixed use.

Adams said Farmington has done a good job of making the transition into a planned community, and has changed significantly in the last 30 years. The State has real problems with housing affordability. The State is considering giving out matching money. If more money becomes available, it will be given as matching money as an incentive to make sure municipalities are helping with affordable housing elements. In his experience, buying down interest rates and paying down payments actually creates more demand and higher prices. He is more interested in throughput and permitting. He said no community has done better than Farmington, and he thinks the City will qualify.

Mayor Pro Tem **Brett Anderson** asked about the rumors that State government is trying to solve the housing problem. One of the remedies is to affect the City's ability to zone. The California model is to strip areas of single-family zoning, enabling developers to build whatever they want except for single-family. **Anderson** said he would be concerned if Utah did this. If a City does it right, the State shouldn't impose on that City. Cities are trying to be part of the solution, and Farmington doesn't want to be forced into a one-size fits all remedy. He would rather have an "if-then" proposal.

Adams encouraged Farmington to stick with the Utah League of Cities and Towns. He said he has watched the State legislative process a long time, and the 104 legislators get a lot of input and come out with solutions. Councilman **Shawn Beus** shared Farmington's recent affordable housing ordinance that was passed this fall requiring every multifamily development to set aside 10% of their development for affordable housing. **Adams** said he wants to hear more about it.

City Manager **Shane Pace** thanked **Adams** for his participation in helping with the Utah Department of Transportation (UDOT) conservation easement settlement. **Adams** said he was glad to see it happen, but noted that things are not finished yet. Councilwoman **Amy Shumway** said Highway 89 is amazing, even though it took a long time. **Adams** said transportation is essential to quality of life, and interconnectivity is significant. He has children who live in South Kaysville and drive Highway 89 to South Weber. Money is needed for a southwest interchange. **Anderson** mentioned a future pedestrian bridge between the Davis County Legacy Center upgrade to Farmington's Station Park so that people can move safely back and forth.

Adams said as Senate President, he has statewide purview. He wants to hear from the Council so the State can help out. He said Utah has a high Gross National Product, has seen theater ticket sales increase compared to other states, and is keeping their COVID rates and fatalities down.

REGULAR SESSION

Present:

*City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,*

*Assistant Community Development Director
Lyle Gibson,
City Planner/GIS Specialist Shannon
Hansell,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Finance Director Greg Davis,
Assistant City Manager/City Engineer Chad
Boshell, and
Bradley W. Christopherson (filling in for
City Attorney Todd Godfrey).*

CALL TO ORDER:

Mayor Pro Tempore **Brett Anderson** called the meeting to order at 7:10 p.m. Mayor **Jim Talbot** and City Attorney **Todd Godfrey** were excused.

Roll Call (Opening Comments/Invocation)Pledge of Allegiance

Councilwoman **Amy Shumway** offered the invocation, and the Pledge of Allegiance was led by Councilman **Scott Isaacson**.

PRESENTATION:

Appointment of New City Recorder

City Manager **Shane Pace** presented this agenda item. **Heidi Bouck** accepted a job at another organization in Cache County and terminated her position as City Recorder on November 17, 2021. He recommended the City appoint **DeAnn Carlile** as the new City Recorder effective immediately. She served as Deputy Recorder for seven years before moving into the Utility Billing position. **Pace** said she is organized, proactive, and detail-oriented. Nothing sits on her desk long. He encouraged her to be careful with information, and not become too relaxed about it. This position requires the employee to be a notary public.

Motion:

Isaacson moved that the City Council approve the attached Resolution appointing **DeAnn Carlile** as the new City Recorder for Farmington City.

Councilman **Shawn Beus** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Filling in for **Godfrey**, **Bradley W. Christopherson** administered the oath of office to **DeAnn Carlile**, appointing her the new Farmington City Recorder.

PUBLIC HEARINGS:

Allart Street Vacation – 500 North Street

Assistant Community Development Director **Lyle Gibson** presented this agenda item. This property is part of a larger Right of Way (ROW) outside of the physical street improvements. Previously, the City Council vacated a portion of the ROW for the Allarts directly east of this location within 5 feet of the back of curb to allow sidewalk at back of curb to deal with slope issues in the area. The applicant's request would vacate the ROW to the same depth as was done to the east, leaving space for a sidewalk at back of curb. This encompasses a piece that is approximately 26 feet x 165 feet, or 4,257 square feet. Vacation of the ROW would give more property to the adjacent owner, who controls two lots adjacent to each other. The applicant has provided a letter and concept plan illustrating their objective of creating space to build a detached garage that is made feasible with the vacation of the ROW. It is the opinion of Staff that vacating to a depth to allow for a park strip would still accommodate the applicant's needs. The applicant is willing to commit to an affordable housing unit within the detached garage.

Applicant **Richard Allart** (138 E. 500 North, Farmington, Utah) addressed the Council. He thanked City Staff for helping them through the steps of making improvements on their property. Richard's wife **Susan Allart** also addressed the Council, saying that they have every intention to include affordable housing in their project.

Anderson opened and closed the Public Hearing at 7:25 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Shumway said the Council is grateful the applicant is willing to do affordable housing.

Motion:

Councilwoman **Rebecca Wayment** moved that the City Council approve the ordinance vacating a south portion of the 500 North Street Right-of-Way (ROW), adjacent to the Allart property at 496 North 100 East. This street vacation is approved with the following conditions a-d:

- a. The property owner of 07-023-0094 must provide a legal description for the area to be vacated (Exhibit A), which leaves sufficient area for a standard park strip and sidewalk.
- b. Sidewalk shall be installed within 1 year of this approval according to Farmington City specifications at back of curb along 500 North Street to match sidewalk to east and west. This improvement is to include a handicap ramp and approach at the southeast corner of the 500 North Street and 100 East Street intersection.
- c. Any detached accessory dwelling unit created on the property coinciding with 138 East 500 North shall be deed restricted to assure affordable housing.
- d. A public utility easement shall be granted along the northern 15 feet of the property being considered for vacation to accommodate existing and potential future utilities.

Findings 1-3:

1. The property owner of 07-023-0094 is the logical recipient of any Right-of-Way (ROW) being proposed for vacation.
2. The ROW directly to the east and west is already more narrow than the subject section of 500 North Street.

3. The ROW can be put to better use and no harm to the general interest of the public is created by its vacation.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Appointment of Appeal Hearing Officer

Gibson presented this agenda item. Farmington City is the applicant for this item. The Farmington City Zoning Ordinance provides a great deal of flexibility to property owners. In addition to opportunities to request a variance to the Board of Adjustment (BOA), the ordinance allows the Zoning Administrator to also consider variances, under limited circumstances. Moreover, several years ago the City enacted special exception provisions which provides authority to the Planning Commission to consider such things as exceptions to fixed dimensions as per criteria set forth in the ordinance. Furthermore, appeals to administrative determinations related to code enforcement, and other issues, are already heard by a hearing officer.

The last time the BOA convened to consider an application was August 24, 2017, and even before this date, the BOA met sporadically. Under such circumstances, it is hard to keep and maintain a consistent and well trained five-member board. Many communities have implemented a hearing officer approach to act in place of a BOA. This is a popular direction as it is valuable to have someone with a legal background functioning in a quasi-judicial manner. Staff is recommending that Farmington do the same, but not discontinue the BOA altogether. Instead, the City Manager would be allowed to appoint a hearing officer if necessary, at his or her sole discretion.

Members of the Planning Commission earlier expressed concern about placing the decision-making of a group into the hands of a single individual, but voted in favor of enabling a hearing officer with the consent of the City Council for an extended term. Following the recommendation of the Planning Commission and having reviewed the motion with the City Attorney, it is still the opinion of Staff that the ordinance not require the consent of City Council or an extended service term. Allowing Staff to appoint a Hearing Officer when needed will enable a more time-efficient process when needed and allow for the potential of an agreed-upon party by both the City and appellant to create more buy into the decision.

Gibson said this ordinance would give Staff the ability to use either the board or officer option. The Commission recommended the text that is before the Council tonight.

Anderson opened and closed the Public Hearing at 7:32 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Wayment said when she was on the Planning Commission, she was told the BOA never meets, or that it was very sporadic. She asked, when people want a variance, does the City give them the option to do an officer or a board? She is worried about backlash. **Gibson** said that in the appeal process, it is better to use an officer in a quasi-judicial process.

Christopherson said the challenge is in making a good record. With someone who is familiar with the law acts as an officer, it is easier to get a defensible record. It is not a political process, and it should not be someone you knowing making the decision. Having an officer takes the emotion and personalities out of it, and decisions can be based on merits. It makes for a more defensible position, which is better long term.

Beus said he likes the idea of an officer. However, he also likes checks and balances of executive and legislative branches. **Christopherson** said if the City Council appoints the officer, it would be a political appointment.

Isaacson said appointing a different officer for individual cases doesn't feel right. It would be like appealing a decision made by the City, with the City choosing the judge. It would look more fair to the citizens if the officer was a permanent position. He has served on Centerville's BOA when there was a dispute with Walmart.

Pace said it is difficult to interview a whole board at a time. An officer is appointed based on experience. The City had a hearing with an officer four months ago. **Godfrey** recommended a person to serve as an officer, and that officer documented every element of the hearing and result. This documentation is important if the decision goes on to the District Court.

Christopherson said in a quasi-judicial hearing, the Administrative Procedures Act (APA) is followed and there are no discussions with the City. Many times such decisions are between two residents and don't involve the City.

Community Development Director **Dave Petersen** said that four months ago, the City had to defend a citation and just like in a deposition, someone was taking minutes and transcriptions were taken. The officer wrote a good decision, and the City lost. The City had issued a citation for someone they felt was running a home business. The officer ruled that he wasn't running a home business. The City was satisfied with the decision. Those who are trained in the law are good at helping interpret the code.

Christopherson said it would be difficult to get someone to serve a five-year term, as usually it is just a one-time case. He has never heard of a time when a City told an officer what decision they think he or she should make. Decisions must be based on merits.

Isaacson said he is a big fan of mediation, but it is only fair if the two parties agree on the mediator. It bothers him that the City would be allowed to choose the officer, as the City may be a party to the issues being heard. **Christopherson** said these are public meetings reviewable in District Court, and are not private like mediations usually are.

Anderson said he is becoming more convinced of hiring an officer on a case-by-case basis, as the officer can smoke out biases and errors.

Pace said he had real experience with this in Sandy in a case where flags posted along the top of a commercial building were seen as violating the city's sign ordinance. The City cited the man, but the board agreed with the building owner. The City sued the BOA, and the BOA's decision was eventually seen as an emotional one.

Petersen said this is an expansion of the use of a hearing officer. Before, it was just for ordinances and code. This would be for interpretation of the zoning ordinance. It would be for appeals of Staff and Zoning Administrator decisions, as well as for any grievances by any officer, department, board or bureau of the City.

Motion:

Isaacson moved that the City Council approve enactment of Section 11-8-045, the text of the new section to read as follows, or similar:

Hearing officer: the city manager, at his or her sole discretion, and with the advice of the community development director, may appoint a hearing officer to act in the place of the board of adjustment. Once appointed, the hearing officer shall have all the powers and duties of the board of adjustment set forth in this chapter and elsewhere in this title and the Farmington City Code.

Findings 1-3:

1. The amendment is consistent with State Law, the Farmington City General Plan, and the purpose of the Zoning Ordinance.
2. It provides the opportunity for a well trained and experienced individual to hear applications that cannot be considered by the Zoning Administrator.
3. The amendment results in increased flexibility for the property owner.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

NEW BUSINESS:

Eagle Creek Phase II Plat Amendment

Planning and GIS Specialist **Shannon Hansell** presented this agenda item. The property owner of Lot 213 of Eagle Creek Phase II would like to amend the plat to incorporate 0.11 acres from Parcel A into Lot 213, and provide Lot 213 with creek-front property. This would create an even line south of Farmington Creek. Most of the land in the proposed acquisition is covered by trail, flood, creek and drainage easements. Previously, the owner of Parcel A needed the 0.11 acres for an access to their property. However, they no longer utilize that point. The applicant requested this plat amendment in order to straighten their boundary, and is fine with the drainage, flood and trail easements.

Shumway asked where the trail easement is. **Hansell** answered that the County has access on the northern portion, so nothing can be built. She said she referred the applicant's question about flood control and trail easements to City Parks and Recreation Director **Neil Miller**, as they wanted to put in a gate. **Pace** said the trail easement would have to be discussed with the applicant so that they know not to put a gate on it. **Hansell** said the applicant is aware of that.

Applicant **Morgan Cox** (1121 W. 475 S., Farmington, Utah) addressed the Council via Zoom, saying the owner of the south side lot indicated they are planning on selling their property in the next year. The property line is now in the middle of the creek. City Staff talked him through the trail easement, and the County talked to him about flooding. He wants to clean up the property and make it look nicer. Part of the bridge is still there including the metal beams, but not the bridge surface. Those living south now access their property to the south of the creek.

Isaacson confirmed that all the property is on the north side of the creek.

Motion:

Shumway moved that the City Council approve the Eagle Creek Phase II plat amendment, subject to all applicable Farmington City Ordinances and Development Standards, including Findings for Approval 1-2

Findings for Approval 1-2:

1. The property owner of Parcel “A” (Tax ID: 08-347-0217) no longer utilizes the access that made the current parcel shape necessary.
2. The lot line adjustment would create an even lot line between Parcel “A” and Lot 213.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

Resolution Authorizing Participation in a State-wide Settlement Agreement – Opioids

Christopherson presented this agenda item, a resolution adopting the City’s participation in a state-wide settlement agreement resulting from litigation against the sellers of opioids.

Anderson recused himself because he has clients involved in this litigation, and billions of dollars are at stake. He asked **Isaacson** to chair this portion of the meeting.

Isaacson asked if there was any reason not to agree to this. **Christopherson** replied that the Utah League of Cities and Towns is encouraging cities to agree to the settlement, as they want 80% of said cities to sign on by the end of the year, for a settlement between \$140 million and \$270 million.

Pace said a vast majority of the money will go to the County, but it may also come to the City Fire Department. It would be a benefit to Farmington. The County will have more money to fight opioid addictions in various ways, as first responders won’t have to respond to as many overdoses.

Motion:

Isaacson moved that the City Council approve the Resolution as presented in the Staff Report adopting the City’s participation in a statewide settlement agreement resulting from the litigation against the sellers of opioids.

Beus seconded the motion. All Council members voted in favor, as there was no opposing vote.

Electric Utility Franchise Agreement with Rocky Mountain Power

Christopherson presented this agenda item. This is wording that was being used decades ago, and he agrees with changes being recommended by **Isaacson**. **Pace** said Farmington communicates regularly with Rocky Mountain Power, to make sure they are made aware of subdivisions going through the approval process.

Petersen said Rocky Mountain Power doesn’t sign plats. However, before the City outlines or vacates public utilities, they have to get a sign off from the power company. They do not attend Development Review Committee (DRC) meetings. **Isaacson** wanted to make sure this was not making a new obligation.

Motion:

Beus moved that the City Council approve the electric utility franchise agreement with Rocky Mountain Power, with changes as presented by **Isaacson**.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including Ordinance Establishing Dates, Time and Place for Holding Regular City Council Meetings; Pick-up Contribution for Public Safety and Firefighter Tier II Employees; Resolutions Enacting Sections 12.049 and 17.150 of the Personnel Policies and Procedures Manual; Improvements Agreement with Jack Fisher Land Company, LLC; and Ordinance Disconnecting (De-Annexing) Property located at 825 W. Glovers Lane from Farmington City – Theresa Hill.

The City Council schedule for 2022 allows for budget hearings in April, May and June. There is only one meeting in April due to Spring Break.

Regarding the pick-up contribution, **Pace** said the legislature updated the amount of Tier II Public Safety and Firefighter Retirement Plans. These plan enhancements have led to increased costs for employers (12% to 14%) as well as the employees (2.27%). Previously, employees have not had to contribute. Federal and State law states that employers may take formal action to pick up required employee contributions, which will be paid by the employer in lieu of employee contributions. In order to stay competitive in hiring and retaining Public Safety employees and Firefighters, the City would like to pick up the 2.27% required to be paid for all City employees participating in the Public Safety and Firefighter Tier II Contributory Retirement System. **Pace** said everyone decided it is best for the employer to cover this, and everyone has done it since then.

Beus said the public piercing and tattoos update to the Personnel Policies and Procedures Manual was forward-thinking of Human Resources. **Pace** said it will allow the City to be more culturally sensitive, especially to cultures where tattoos are an essential part of life. Farmington doesn't want to miss out on a good quality candidate because there is a tattoo on their arm. The new change will make it easier to recruit. The City has had some issues arise with employees related to emotional support animals and tattoos. However, the Personnel Policies and Procedures Manual did not previously address these issues. The new sections will provide clarity. These include prohibiting visible tattoos that contain vulgarity, obscene messages, slogans or pictures. It also addresses piercings of the tongue, mouth, nose, or cheek, as well as ear lobe expanders/gages. Lastly, it prohibits emotional support animals of employees.

Motion:

Shumway moved to approve the Summary Action list items 1-5 as noted in the staff report.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

OLD BUSINESS:

Cancellation of December 21 City Council Meeting

There are no items that need to be addressed for the rest of the 2021 year, as the Rocky Mountain Power and opioid settlement items were addressed today. The next meeting will be held January 4, 2022.

Motion:

Isaacson moved that the City Council cancel the December 21, 2021, City Council meeting.

Wayment seconded the motion. All Council members voted in favor, as there was no opposing vote.

GOVERNING BODY REPORTS:

City Manager Report

Pace thanked **Wayment** and **Beus** for serving on the Council, saying he appreciated working with them. He respects them for their efforts, and mentioned that the City is looking to fill a Council vacancy. He also thanked **Anderson** for his hours and hours of time he spent serving on the Council as he moves into the Mayoral position next month.

Mayor Talbot and City Council Reports

Isaacson said he would like to express support for the efforts the Davis School District is making to address racism. **Beus** said it may be worth reaching out to the School District, as the superintendent is taking so much heat. **Shumway** said a lawsuit has been started, and she would rather the City stay out of that.

Shumway asked if the City is attempting to collect the delinquent ambulance fees, as typically they only recover less than 50%. **Pace** said the collection firm continues to make efforts to collect. However, most uncollected are due to the patient not having insurance, or they have insurance that does not cover ambulance transportation. Anytime someone does have insurance coverage, the City collects. It is a difficult thing. It is not written off at the end, but there are continued collection attempts. **Isaacson** said that taxpayers are left holding the bill in the end. **Shumway** said she would like it legislated that all insurances have to cover ambulance transportation.

Shumway said there is cooperation with the Forest Service to get work done on the Farmington Creek Trail. It has been a bigger headache than originally anticipated. The trail starts at the pond and goes up to the canyon. A portion of the trail needs explosives, as it is steep and juts out. That one section is dangerous, while 90% of the trail is great. The committee is still working on maps.

Wayment said that construction trucks are back during school, so motorists should be aware on Glovers Lane and Frontage Road. She said it is worth a conversation to light the merge sign that is off to the left at the southbound I-15 entrance coming off 200 West, where the Lagoon entrance comes and merges. She has been cut off several times there.

As she steps down as a City Council member, **Wayment** said it has been nine years of sheer pleasure serving the City. She has appreciated the support over the years, and trusts the people who will continue on the Council in 2022.

Beus said the Historic Preservation Commission canceled their November and December meetings. He inquired about the inability to reserve lots at the City Cemetery, especially when residents are in the planning stages. **Carlile** responded that the City has lots, and will have lots well into the future, as there is also room for expansion. Residents or those who have owned property in the City for 20 years or more can have a spot in the cemetery, and can pay for the plot through a plan with their mortuary. However, they cannot choose the location. Occasionally, people will return lots to the City. Also, the City can reclaim lots if they have not been used in 60 years. What the City is doing has been working, **Carlile** assured the Council. **Pace** said there have been some very emotional conversations about this matter over the years. Centerville has floated the idea of bonding for a cemetery. This would help, as some Centerville residents have desired to be buried in Farmington since there is no option in Centerville and neighboring cities. The more cities that have cemeteries, the better off Farmington will be.

As he steps down from his Council position, **Beus** said he has enjoyed his time, even though it has been a short 3.5 years. He has been in local government before in other cities. He has lived in Farmington 10 years, and therefore offers a different perspective on the Council. He said the Council has made him feel part of the community, even when he was not sure how he would be received. He said national politics freak him out, and the real work and community building is done through local government. He comes from a family culture of service, as his grandfather was on the State Legislature. **Anderson** said **Beus's** service has been meaningful and will impact his children and the next generation.

The Council took a short break from 8:45-8:52 p.m.

CLOSED SESSION

Present:

*City Manager Shane Pace,
Mayor Pro Tempore/Councilman Brett
Anderson,
Councilman Shawn Beus,
Councilman Scott Isaacson,
Councilwoman Amy Shumway,
Councilwoman Rebecca Wayment,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,*

*Community Development Director Dave
Petersen,
Assistant Community Development Director
Lyle Gibson,
Assistant City Manager/Economic
Development Director Brigham Mellor,
Assistant City Manager/City Engineer Chad
Boshell, and
Bradley W. Christopherson (filling in for
City Attorney Todd Godfrey).*

Motion:

At 8:52 p.m., **Shumway** made the motion to go into a closed meeting for the purpose of possible sale and acquisition of real property. **Wayment** seconded the motion, which was unanimously approved.

Sworn Statement

I, **Brett Anderson**, Mayor Pro Tempore of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the council was so convened in a closed meeting.

Brett Anderson, Mayor Pro Tempore

Motion:

At 9:36 p.m., **Beus** made a motion to reconvene to an open meeting. The motion was seconded by **Shumway**, which was unanimously approved.

ADJOURNMENT

Motion:

Wayment made a motion to adjourn the meeting at 9:36 p.m. **Isaacson** seconded the motion, which was unanimously approved.

DeAnn Carlile, Recorder